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15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

18 PANTHERA RAIL CAR LLC,

19 Plaintiff,

20 vs.

21 KASGRO RAIL CORPORATION, a Pennsylvania
22 corporation, KASGRO LEASING, LLC, KR
23 LOGISTICS, LLC, and KASGRO RAIL CAR
24 MANAGEMENT,

25 Defendants.

26 Case No.: CV 12-06458 SI

27 STIPULATION AND [PROPOSED] ORDER
28 TO CONTINUE APRIL 19, 2013, HEARING
ON DEFENDANTS' MOTIONS TO
DISMISS OR TRANSFER ACTION AND
TO CONTINUE MAY 2, 2013, INITIAL
CASE MANAGEMENT CONFERENCE

Complaint Filed: December 20, 2012

STIPULATION

WHEREAS the Amended Complaint in this action, entitled *Panthera Rail Car LLC v. Kasgro Rail Corporation, et al.* (N.D. Cal. Civil Case No. CV 12-06458 SI), was filed on February 15, 2013;

WHEREAS all Defendants filed motions to dismiss or transfer this action and the Court recently set those motions for hearing on April 19, 2013;

WHEREAS the subject motions are fully briefed and pending;

WHEREAS Deborah Thaxter, counsel for Plaintiff Panthera Rail Car LLC, will be on a prescheduled vacation and unavailable on April 19, 2013;

WHEREAS the parties, having met and conferred regarding their availability for a rescheduled hearing on the Court's regular motion calendar, have been unable to find a mutually agreeable date in May on which the Court is also available;

WHEREAS the parties are available for a hearing on May 13, 2013, or May 14, 2013, in the alternative, seek the Court's leave to have the motions to dismiss or transfer heard on one of these days, and have been informed by the Court that the hearing can be set for May 14, 2013 at 4:00 p.m.;

WHEREAS the Initial Case Management Conference (“CMC”) in this action is presently set for May 2, 2013 at 2:30 p.m. in Courtroom 10;

WHEREAS the parties desire to have Defendants' motions to dismiss or transfer heard and decided prior to the Initial CMC in this action; and

WHEREAS the parties, having met and conferred regarding their availability for an Initial CMC in June, have agreed to a brief continuance of the Initial CMC until June 28, 2013;

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff Panthera Rail Car LLC, on the one hand, and Defendants Kasgro Rail Corporation, Kasgro Leasing, LLC, KR Logistics, LLC, and Kasgro Rail Car Management, on the other hand, as follows:

1. The parties seek the Court's leave to have the hearing on Defendants' pending motions to dismiss or transfer filed in the above captioned matter continued until May 14, 2013, at 4:00 p.m. in Courtroom 10, or such other time on May 14, 2013, as is convenient to the Court.

2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013, at 2:30 p.m. in Courtroom 10.

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2 **IT IS SO STIPULATED.**
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4
5 Dated: April 9, 2013
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7 NIXON PEABODY LLP
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9
10 By: /s/ Marcie Keenan Farano
11 MARCIE KEENAN FARANO
12 Attorneys for Plaintiff Panthera Railcar LLC
13

14 Dated: April 9, 2013
15

16 QUARLES & BRADY LLP
17

18 By: /s/ John C. Schaak
19 STEVEN J. BERRYMAN
20 JOHN C. SCHAAK
21 JAMES E. GOLDSCHMIDT
22 Attorneys for Defendants Kasgro Rail
23 Corporation, Kasgro Leasing, LLC, and Kasgro
24 Rail Car Management
25

26 Dated: April 9, 2013
27

28 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
29

30 By: /s/ Steven B. Sacks
31 STEVEN B. SACKS
32 Attorneys for Defendants Kasgro Rail
33 Corporation, Kasgro Leasing, LLC, and Kasgro
34 Rail Car Management
35

36 Dated: April 9, 2013
37

38 STEYER LOWENTHAL BOODROOKAS ALVAREZ
39 & SMITH LLP
40

41 By: /s/ Jeffrey H. Lowenthal
42 JEFFREY H. LOWENTHAL
43 GABRIEL D. ZELDIN
44 Attorneys for Defendant KR Logistics, LLC
45

1 Dated: April 9, 2013

ROSE & deJONG S.C.

3 By: /s/ Lora L. LoCoco

4 DOUGLAS W. ROSE

5 LORA L. LOCOCO

6 Attorneys for Defendants KR Logistics, LLC

7 **ATTESTATION CLAUSE**

8 Pursuant to Northern District of California Local Rule 5-1(i)(3), I hereby attest that I have
9 obtained from each of the other signatories to this document—indicated above by a “conformed” (/s/)
10 signature—their concurrence to the e-filing of this document in its present form, which shall serve in
11 lieu of their respective signatures on this document.

12 Dated: April 9, 2013

NIXON PEABODY LLP

15 By: /s/ Marcie Keenan Farano

16 MARCIE KEENAN FARANO

17 Attorneys for Plaintiff Panthera Railcar LLC

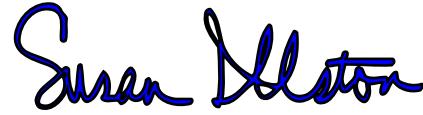
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2 **[PROPOSED] ORDER**
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4 Pursuant to the Stipulation of the parties as set forth above, and for good cause showing, the
5 Court orders as follows:
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7 1. The hearing on the pending motions to dismiss or transfer filed by all defendants in the
8 above-captioned matter shall be continued until May 14, 2013, at 4:00 p.m. in Courtroom 10.
9
10 2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013,
11 at 2:30 p.m. in Courtroom 10.
12

13 **IT IS SO ORDERED.**
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15 Dated: April 15 2013
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17 HON. SUSAN ILLSTON
18 UNITED STATES DISTRICT JUDGE
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